

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VHT, INC., a Delaware corporation,

Plaintiff,

v.

ZILLOW GROUP, INC., a Washington  
corporation; and ZILLOW, INC., a Washington  
corporation,

Defendants.

Case No. 2:15-cv-01096-JLR

**DECLARATION OF IAN B.  
CROSBY IN SUPPORT OF  
ZILLOW'S MOTION FOR LEAVE  
TO AMEND TO ASSERT  
COUNTERCLAIMS**

NOTE ON MOTION CALENDAR:  
August 12, 2016

1 I, Ian B. Crosby, an attorney admitted to practice law in Washington State, and duly to the  
2 bar of this Court, hereby declare the following:

3 1. I am a member of good standing of the State Bars of Washington and to the bar of  
4 this Court.

5 2. I am a partner at the law firm of Susman Godfrey LLP, counsel for the Defendants  
6 in the above-captioned action. I submit this Declaration in support of their Motion for Leave to  
7 Amend to Assert Counterclaims, filed herewith.

8 3. Attached hereto as **Exhibit 1** is a true and correct copy of Amended Answer of  
9 Defendants Zillow Group, Inc. and Zillow, Inc. to First Amended Complaint for Copyright  
10 Infringement with Counterclaim.

11 4. Attached hereto as **Exhibit 2** is a true and correct copy of the document produced  
12 by the Plaintiff with the bates number VHT030085.

13 5. Attached hereto as **Exhibit 3** is a true and correct copy of Plaintiff's production  
14 letter relating to VHT\_Prod\_008, which contained Exhibit 2 and similar documents bates  
15 numbered VHT030089, VHT030092, and VHT030095.

16 6. Attached hereto as **Exhibits 4 and 5** true and correct copies of Letters from  
17 Zillow's Counsel Ian Crosby to VHT's counsel Jonathan Lloyd dated July 14 and 22, 2016, in  
18 which Zillow notified VHT that it intended to assert counterclaims related to VHT's inducement  
19 of its licensees to post content to Zillow and its providers under designations of perpetual rights in  
20 these letters.

21 7. On April 24, 2016, my partner Brooke Taylor, who was then the lead attorney in  
22 this case, was involved in an automobile accident in which she was rammed sideways by an  
23 emergency services vehicle proceeding against the light through an intersection in downtown  
24 Seattle near the offices of our firm. As a result of the accident, Ms. Taylor suffered a massive  
25 head injury that put her in a coma for several weeks and will continue to render her unable to  
26 practice law for the foreseeable future.  
27

1           8.       On April 25, 2016, the managing partner of the Susman Godfrey's Seattle office,  
2 Parker Folse, informed our firm's executive committee that Patrick Bageant, the associate who  
3 had been assisting Ms. Taylor on the case, had requested to take a leave of absence from the firm  
4 for personal reasons starting as soon as possible. Following approval of Mr. Bageant's leave, he  
5 transitioned off of this case during the month of May.

6           9.       Following Ms. Taylor's accident and Mr. Bageant's announcement, I and my  
7 partner Edgar Sargent began attempting to make room on our dockets to take over management of  
8 this case and come up to speed on the facts and history of the dispute. Mr. Sargent and I were  
9 both fully occupied at the time with other cases, as was every associate in our firm's Seattle  
10 office. Associate Jordan Connors was assigned to the case in mid-May and Jenna Farleigh  
11 became available in mid-June.

12           10.     As a result of this transition and restaffing, as well as of prioritizing responses to  
13 VHT's requests for depositions and other discovery during the same time period, Zillow's review  
14 of VHT's document productions from immediately before Ms. Taylor's accident has been  
15 protracted and remains ongoing at this time.

16           I swear under penalty of perjury that the foregoing is true and correct.

17  
18  
19 Dated: July 27, 2016

By: /s/ Ian B. Crosby

Ian B. Crosby, WA Bar # 28461  
E-Mail: [icrosby@susmangodfrey.com](mailto:icrosby@susmangodfrey.com)  
SUSMAN GODFREY L.L.P.  
1201 Third Avenue, Suite 3800  
Seattle, WA 98101  
Telephone: (206) 516-3880  
Facsimile: (206) 516-3883

Attorney for Zillow Group, Inc. and Zillow, Inc.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATE OF SERVICE**

I hereby certify that on July 27, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record:

By: /s/ Ian B. Crosby